GAU/3627

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

RM
#6
3/21/02

In re patent appln. of: Albert J. FRATTAROLA

Serial No.: 09/803,221

For: **FLOATING CAPTIVE SCREW**

Filing Date: March 9, 2001

Grp. Art Unit: 3627

Examiner: Flemming Saether

Docket No.: 61-01

C rtificate of Mailing

Dat of Deposit: February 27, 2002

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ALEX SLUZAS

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Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL SHEET

Dear Sirs:

Please find enclosed the following for filing in the U.S. Patent and Trademark Office:

1) This transmittal sheet;

2) Response to Office Action; and

3) Acknowledgement post card to be date-stamped and returned to Paul and Paul.

No fee is believed to be required with the filing of this Response. However, if a fee is required the Office is hereby authorized to charge any additional fee, or credit any overpayment, to our Deposit Account No. 16-0750, Order No. 0348.

Respectfully submitted,

February 27, 2002

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Order No. 0348

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail postage prepaid in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, DC. 20231 on February 27, 2002

Alex R. Sluzas, Reg. No. 28,669
Dated: February 27, 2002

Box Amendments – No Fee
Honorable Commissioner
of Patents
Washington, D.C. 20231

RESPONSE

Sir:

This response is submitted under certificate of mailing on Wednesday, February 27, 2002 in response to the Examiner's Action mailed November 27, 2001 in the above-referenced patent application setting a three-month shortened statutory period for response, expiring February 27, 2002.

Claims 1-5 are in the application.

Claims 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,204,680 ("Barry"). This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that Barry discloses a captive screw comprising a ferule (18); a screw having a head (21), shank (27), threads (26) and collar (25); and a spring (20). The Examiner notes that the screw is captured in the ferrule.

Applicant r sp ctfully notes that Barry does not meet all the limitations of claim 1. In particular, requires "a collar formed on th shank proximat th threaded portion" of the shank. Barry does not provide such a collar.

The function of the spring in Barry is to fully retract the screw into the "stand-off bushing" or ferrule, "thus permitting movement of the removable panel sidewise with respect to the main frame, without scratching the main frame or damaging the threads of the screw" (col. 1, lines 30-33). Therefore, the invention claimed by claim 1 is not obvious over Barry, in that one of ordinary skill in the art would have no motivation to provide a collar on the shank of the screw, because this would prevent full retraction of the screw into the stand-up bushing or ferrule, and therefore Barry's essential purpose would not be achieved.

Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 102(b) over Barry are respectfully requested for these reasons.

Claims 2-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barry as applied to claim 1 above, and further in view of U.S. Patent 5,941,669 ("Aukzemas"). This rejection is also respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that Aukzemas discloses the particulars of the ferrule. The Examiner notes that specifically, the ferrule is disclosed as having a knurled outer surface including a groove (32) and annular lip (generally at 30).

The Examiner concludes that at the time the invention was made, it would have been obvious for one of ordinary skill in the art to the exterior of the ferrule of Barry as disclosed in the Aukzemas in order to improve its attachment to the panel. The Examiner states that the ring on th ferrule being b nt is a product-by-process limitation wh rein it is m rely the final product that is cor sider d for patentability, and that Barry shows a ring (22).

There is nothing in Aukzemas, nor in the combination of Barry and Aukzemas, that would render the presently claimed invention obvious to one of ordinary skill in the art at the time the invention was made. In particular, Aukzemas discloses a conventionally threaded screw shank, without a collar, such as is required by applicant's independent claim 1. Since each of dependent claims 2-5 ultimately depend from claim 1, each incorporates the limitation of the required collar. Thus, the combination of Barry and Aukzemas does not make out a prima facie case of obviousness, because the combination does not include all the limitations of the rejected claims.

Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 103(a) over Barry in view of Aukzemas are respectfully requested for these reasons.

As the present application is now believed in condition for allowance, early reconsideration and allowance of all claims presently in the application are earnestly solicited.

February 27, 2002

Respectfully submitted,

Order No. 0348

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